AUG 6 1986

Y 1.1/5: 99-342

Calendar No. 738

99TH CONGRESS
2d Session

SENATE

REPORT
99-342

ORIGINAL

DIRECTING THE SECRETARY OF THE INTERIOR TO RELEASE ON BEHALF OF THE UNITED STATES CERTAIN RESTRICTIONS IN A PREVIOUS CONVEYANCE OF LAND TO THE TOWN OF JEROME, AZ

JULY 25 (legislative day, JULY 21), 1986.—Ordered to be printed

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 1593]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1593) to direct the Secretary of the Interior to release on behalf of the United States certain restrictions in a previous conveyance of land to the town of Jerome, Arizona, having considered the same, reports favorably thereon with an amendment to the text and recommends that the Act, as amended, do pass.

The amendment is as follows:

On page 2, line 3, delete "4978894," and insert "497894,".

PURPOSE OF THE MEASURE

H.R. 1593, as reported, would direct the Secretary of the Interior to release certain conditions contained in patent number 497894, by which the United States conveyed 40 acres of land to Jerome, Arizona.

BACKGROUND AND NEED

The Act of September 30, 1890, gave cities and towns the right to purchase public lands for cemetery and park purposes with the provision that, when such city or town was within a mining district, the mineral rights would be reserved to the United States.

Under the authority of the 1890 Act, the Town of Jerome, Arizona purchased 40 acres of land in 1915 for cemetery and park purposes. According to the town, only about 5 acres of the 40 acres have been used, and there is residential development on all sides surrounding the lands in question. The town wants to develop an-

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other 5 acres to create a 10-acre cemetery, and to subdivide the remaining 30 acres for residential development.

H.R. 1593 releases the requirement contained in patent number 497894 that the land be used for cemetery or park purposes. The Act of September 30, 1890, while giving cities and towns the right to purchase public lands "for cemetery and park purposes," contained no express reverter provision. The patent to the Town of Jerome itself does ot contain an express reversionary clause, and the only reference to the conveyance being for cemetery and park purposes is in its introductory recitals. The patent conveys the property "forever".

LEGISLATIVE HISTORY

H.R. 1593 was introduced by Representative Stump on March 19, 1985. The measure was passed by the House of Representatives on November 4, 1985. On March 4, 1986, the Subcommittee on Public Lands, Reserved Water and Resource Conservation held a hearing on H.R. 1593.

At a business meeting on July 16, 1986, the Senate Committee on Energy and Natural Resources ordered H.R. 1593, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on July 16, 1986, by unanimous vote of a quorum present recommends that the Senate pass H.R. 1593, if amended, as described herein.

The rollcall vote on reporting the measure was 17 yeas, 0 nays as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield [1]	
Mr. Weicker	
Mr. Domenici	
Mr. Wallop	
Mr. Warner	
Mr. Murkowski [1]	
Mr. Nickles	
Mr. Hecht	
Mr. Evans [1]	
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum [1]	
Mr. Bradley [1]	
Mr. Bingaman [1]	
Mr. Rockefeller [1]	

[1] Indicates vote by proxy.

COMMITTEE AMENDMENT

The Committee amendment is a technical amendment to correct an error in the patent number.

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COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 22, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional budget Office has reviewed H.R. 1593, an act to direct the Secretary of the Interior to release on behalf of the United States certain restrictions in a previous conveyance of land to the town of Jerome, Arizona, as amended and ordered reported by the Senate Committee on Energy and Natural Resources, July 16, 1986.

We estimate that no cost to the federal government or to state or local governments would result from enactment of this legislation. H.R. 1593 would release 40 acres of land conveyed by the federal government to the town of Jerome, Arizona, from a provision in an 1890 statute requiring use of the land for park or cemetary purposes only.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

RUDOLPH G. PENNER, *Director.*

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 1593. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 1593 as reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Department of the Interior setting forth executive agency recommendations relating to H.R. 1593 is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, January 24, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for our views on H.R. 1593 a bill "To direct the Secretary of the Interior to re-

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lease on behalf of the United States certain restrictions contained in a previous conveyance of land to the town of Jerome, Arizona."

We would not oppose enactment of H.R. 1593.

H.R. 1593 would direct the Secretary of the Interior to release certain conditions contained in patent number 497894, by which the United States conveyed 40 acres of land to Jerome, Arizona, for cemetery or park purposes in 1915, under the authority of the Act of September 30, 1890. That Act gave cities and towns the right to purchase public lands for cemetery and park purposes with the provision that, where such city or town was within a mining district, the mineral rights would be reserved to the United States.

The release that would be required by H.R. 1593 is the specification that the land be used for cemetery or park purposes. The Act of September 30, 1890, while giving cities and towns the right to purchase public lands "for cemetery or park purposes," contained no express reverter provision, nor does its legislative history give an indication that the Congress intended to reserve a reversionary interest. Moreover, the patent to the town of Jerome itself does not contain an express reversionary clause, and the only reference to the conveyance being for cemetery and park purposes is in its introductory recitals. In addition, the patent conveys the property "forever." For these reasons and because the statute contains the proviso that the lands be acquired "for cemetery or park purposes," but does not grant us the authority for removal of the requirement, we would have no objection to a release of these restrictions by Congressional action.

In the 98th Congress, the Department opposed similar legislation which contained a provision releasing any other right, title, or interest in the subject tract held by the United States. We are pleased to note this provision has been deleted from the bill. Therefore, we would not object to the enactment of H.R. 1593.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. STEVEN GRILES,
Assistant Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act, H.R. 1593, as reported.

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